

December 7, 2021

**VIA ECFS**

Marlene Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentations  
*Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59

Dear Ms. Dortch:

On December 3, 2021, Glenn Richards, outside counsel to the Voice on the Net Coalition (“VON”); Christopher Shipley of INCOMPAS; Michael Pryor, outside counsel to the Cloud Communications Alliance (“Alliance”); Paula Boyd of Microsoft; Sarah Halko of Telnyx; and Anne Bowling of RingCentral met via telephone with Danielle Thumann, Legal Advisor to Commissioner Brendan Carr. Also, on December 3, 2021, Glenn Richards, Christopher Shipley, Michael Pryor, Paula Boyd, Darah Franklin of Google, and Anders Kristensen of Google met via video conference with Adam Cassady, Media Advisor, and Marco Peraza, Wireline Advisor to Commissioner Nathan Simington. Lastly, on December 6, 2021, Glenn Richards, Christopher Shipley, Michael Pryor, Paula Boyd, Darah Franklin, and Anne Bowling met via telephone with Diane Holland, Legal Advisor for Media and Consumer Protection to Commissioner Starks.

During the meetings, we discussed USTelecom’s pending Petition for Reconsideration and Request for Clarification (“Petition”) and its Request for Emergency Stay or Waiver in the Alternative (“Request”) in the above-referenced proceeding.<sup>1</sup> We also discussed the Order on Reconsideration, Sixth Further Notice of Proposed Rulemaking and Waiver Order currently on circulation. Consistent with previous filings, we emphasized the importance of retaining SIP response codes 607 and 608, which are highly actionable response codes developed by two former Federal Communications Commission (“Commission”) Chief Technology Officers specifically to address call blocking and was approved by the IETF.<sup>2</sup> We explained that SIP response code 603 is likely to be largely unusable by providers because it does not provide actionable information, and it is not designed to help you understand why a call is blocked. That

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<sup>1</sup> Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association, CG Docket No. 17-59 (filed May 6, 2021) (“Petition”); Request of USTelecom – The Broadband Association for Emergency Stay or Waiver in the Alternative, CG Docket No. 17-59 (filed Oct. 26, 2021) (“Request”).

<sup>2</sup> See, e.g., VON Opposition to Request, CG Docket No. 17-59 (filed Nov. 3, 2021); Letter from Christopher L. Shipley, Attorney and Policy Advisor, INCOMPAS, to Marlene H. Dortch, Secretary, Federal Communications Commission, CG Docket No. 17-59 at 2 (filed Oct. 12, 2021); Letter from Glenn S. Richards, Counsel, Voice on the Net Coalition, to Marlene H. Dortch, Secretary, Federal Communications Commission, CG Docket No. 17-59 at 1 (filed Oct. 21, 2021). See also, Letter from Jesse Bird, Chief Technology Officer, TCN, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, CG Docket No. 17-59 (filed Nov. 30, 2021) (“TCN Ex Parte”).

lack of information means that the 603 response code does not inform the originating provider that there might be a robocaller using their platform, so it is less useful in combating unlawful robocalls than the 607 or 608 response codes. In addition, a 603 response code does not identify the sender of the code, undermining its utility in resolving the blocking of legitimate calls.

To the extent that the Commission intends to allow use of SIP code 603 as a response code, we urged adoption of provisions making clear that its use is purely an interim measure pending completion of any necessary standards development required to operationalize SIP response codes 607 and 608. We expressed our concern that allowing use of SIP response code 603, pending resolution of USTelecom's Petition or of a further notice of proposed rulemaking, could potentially render the 603 response code the new permanent notification standard, which would weaken efforts to combat unwanted and illegal robocalls while also maintaining the reliability of the voice network.

We recommended that the Commission sunset use of the 603 code for analytics blocking within a time certain. INCOMPAS and VON have previously suggested that the industry be given an additional six months to implement SIP codes 607 and 608. We noted that this extension would be in addition to the 12-month implementation time frame provided by the Commission in the Fourth Report and Order ("Order").<sup>3</sup> Six months would be a reasonable period of time to sunset use of SIP code 603 as an interim measure and to provide time for the industry to develop operational standards. Effectively, six months following adoption of the Order would constitute a new deadline for compliance with the Commission's initial mandate. Moreover, in light of the apparent lack of progress on operational standards for SIP codes 607 and 608, the Commission should require regular progress reports on industry efforts to develop operational standards and signal its willingness to intercede should parties fail to make progress. The Commission should require an initial status report within two months of the Order and every month thereafter. Sunsetting SIP code 603 within a time certain and requiring periodic progress reports would help ensure that the Commission meets its goals of enabling uniform, effective notification as part of its TRACED Act obligations to provide effective and transparent redress.

Taking these steps would in no way jeopardize the ongoing blocking programs that providers are utilizing to combat illegal robocalls. Curbing unlawful robocalls is an endeavor the participants strongly support as it will, hopefully, begin to restore trust in the network. SIP response codes 607 and 608 were devised to assist in this effort by making blocking more effective. SIP code 607, by which end users signify that a call is unwanted, was designed primarily as a mechanism by which consumer feedback would inform filtering algorithms by identifying unwanted or illegal calls.<sup>4</sup> SIP code 608, signifying network level blocking, can help

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<sup>3</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, FCC 20-187, ¶ 61 (Dec. 30, 2020) (establishing Jan. 1, 2022 implementation deadline).

<sup>4</sup> H. Schulzrinne, Internet Engineering Task Force, *A SIP Code for Unwanted Calls* at 2 (July 2017), <https://tools.ietf.org/html/rfc8197> (*SIP Code 607 Specification*). As was further explained by Dr. Burger in the specification for the 608 code, the 607 response code not only allows the called party to reject the call, but it "let[s] their proxy know that they consider future calls from the source unwanted" and this information can be sent to "a call analytics engine." Dr. Burger further explained that "if a network operator receives multiple reports of unwanted calls that may indicate that the entity placing the calls is likely to be a source of unwanted calls for many people." Internet Engineering Task Force, *A Session Initiation Protocol (SIP) Response Code for Rejected Calls* at 4 (Dec. 2019), <https://tools.ietf.org/html/rfc8688> (*SIP Code 608 Specification*).

assess the efficacy of the reasonable analytics used to identify purportedly suspect calls. SIP code 603 cannot perform these functions because it does not necessarily identify a call as unwanted by an end user or blocked by an analytics engine.<sup>5</sup>

VON, INCOMPAS, and the Alliance very much appreciate the extraordinary work that the Commission has undertaken in combating illegal robocalls. That work will be enhanced by ensuring that any order allowing use of SIP response code 603 as an appropriate form of notification pursuant to section 64.1200(k)(9) include requirements that: (1) the use of 603 will only be allowed for a time certain, (2) establishes a new deadline to implement SIP codes 607 and 608 concurrent with the sunset of 603, and (3) industry provide the Commission with periodic status reports on the progress of developing operational standards for SIP response codes 607 and 608.

Please contact any of the undersigned if you have questions.

Respectfully submitted,

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cc: via email

Danielle Thumann  
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Marco Peraza  
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<sup>5</sup> In a recent *ex parte* letter, TCN informed the Commission that yet another inappropriate code is being used to signify blocking. TCN Ex Parte at 3-4 (noting that four of its clients have begun receiving large volumes of SIP response code 486 that, like 603, is unrelated to blocking).